

### REMARKS

Claims 2 through 19 remain pending and are presented for reconsideration herein. Claims 2, 10, 11, and 19 are rejected under 35 U.S.C. 102(e) as being anticipated by Gifford (U.S. Patent 6,052,718). This rejection is respectfully traversed for the following reasons.

The present invention, as recited for example in independent method claim 2 and corresponding independent apparatus claim 11, is directed to a method of dynamic content translation and switching. A request is generated at a client location for internet data, the request defining a first route by which said request is to be fulfilled. The request is accepted and processed. The first route is broken and it is determined, in accordance with at least one rule set and the processing of the request, a second route by which to fulfill the request. The request is then routed through the second route.

Thus, according to the present invention the first route (defined in the request) is broken for each request and replaced by a second route in accordance with one rule set *and the processing of the request*. The later part is key insofar as the present invention determines the new (second) route as a function of the content of the request itself as well as in accordance with the rule set. No where is Gifford is there taught such structure or function. In Gifford, and in particular at column 7, line 66 through column 8, line 62 (expressly cited by the Examiner), it is only in the event that the source IP address of the request fails to match record entries in a database that the source IP address is dropped. See Figure 4A, step 535 and accompanying text. In contrast, in the present invention and as expressly recited in the claims all first routes defined in the request are dropped regardless of their availability.

Next, Gifford teaches that if the original IP address can not be fulfilled, then new candidate target IP addresses are selected based on “network performance metric value” (column 8, lines 2-3). The present invention, on the other hand, selects a second route “in accordance with at least one rule set *and the processing of the request*” (emphasis added). This claimed feature is simply not taught by Gifford.

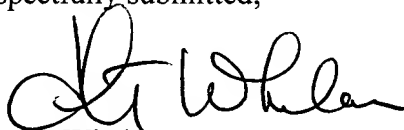
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At least some of the deficiencies of Gifford are acknowledged by the Examiner at paragraph 17 of the Official Action. The cited secondary references (Porrás, Mangipudi, Pulsipher, Grove, and Rhoads), used in the § 103 rejections of the dependent claims, are offered as evidence of various known network performance monitor systems. None of these references, however, taken either alone or in combination with Gifford, teach or suggest the above claimed features that are absent from Gifford, namely (1) breaking the first route (in all instances), and (2) selecting a second route in “in accordance with at least one rule set *and the processing of the request*”.

For at least the foregoing reasons, Applicants thus respectfully submit that pending claims 2-19 distinguish over the cited art and thus define patentable subject matter. A prompt and favorable reconsideration of the rejection, together with an indication of allowability of all pending claims, are thus earnestly solicited.

If the Examiner has any questions or concerns regarding the foregoing, the Examiner is invited to contact Applicants' undersigned representative.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "J. Whelan", written in a cursive style.

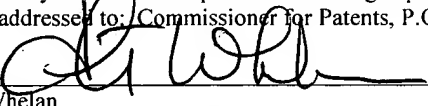
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**CERTIFICATE OF MAILING (37 CFR §1.8)**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on March 2, 2006.

  
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John T. Whelan

Date of Signature: March 2, 2006